OK, Men, Cover Your Chests— Or Let Women Sunbathers Go Topless, Too

By CAROL AGATE

Laws requiring only women to keep their chests covered at public beaches stubbornly remain on the books, even though other laws that distinguish between men and women—limitations on women's work hours, rules that set different ages at which boys and girls may marry, provisions for alimony for wives but not husbands—are being declared unconstitutional at a rapid clip.

The equal-protection clause of the 14th Amendment provides that restrictions cannot be imposed on one sex and not the other unless there is a good reason. California's standard is higher: The government must show a "compelling reason" for discriminating. Yet the courts keep upholding laws against toplessness without requiring any more justification than the fact that men see women's breasts as sex objects.

The discriminatory nature of these laws has been in effect for only two generations. Until the '30s, men also had to cover up at the beach. The greatest impetus for change was probably the 1934 movie "It Happened One Night," in which Clark Gable took off his shirt. The bare chest suddenly became a symbol of masculinity and men defied the law to emulate him.

On a single day in 1935, 42 men were arrested for being shirtless on a New York beach. After fining eight men $1 each, one judge said, "All of you fellows may be Adonises, but there are many people who object to seeing so much of the human body exposed." The male chest was considered indecent, as is the female chest today.

Widespread disregard of the bathing-suit laws eventually led to their being rescinded. By 1936, the state beach authorities in Long Island had concluded that the male custom of appearing topless was "fully and successfully established." The nearby Westchester County Park Commission decided to retain its ban on toplessness because "the appearance of many unbeautiful 'manly' figures would be ameliorated by even the slight covering that a bathing-suit top gives." Later that year, the commission reversed itself after it learned that trunks cost less than a complete suit, and it could save money on the suits it bought for rental.

Another important factor was the sympathy of many male judges to the desire of male bathers to swim and sunbathe in freedom and comfort. One judge reportedly rebuked a policeman: "Why bring these cases before me? You know I will throw them out." The shortage of female judges has handicapped women who have tried to challenge swimwear restrictions.

One court justified California's law with the statement, "Nature, not the legislative body, created the distinction between that portion of the woman's body and that of a man's torso." The court confused the issue. Nature created the distinction, but it was legislatures that imposed restrictions because of that distinction. They said, in effect, that the male body is the norm; the female's, because it is different, must be covered.

Rescinding these laws would not, as the courts seem to fear, cause men to be filled with uncontrollable lust. When the sight of topless women of all sizes and shapes becomes commonplace, the concept of women's breasts as sex objects will go the way of their legs as sex objects

For centuries, in the Western world at least, women's legs were considered sexually enticing and had to be kept covered. After stockingless swimsuits were introduced from France in the early 1920s, the issue became a matter of municipal concern in U.S. resort cities. When Atlantic City decided to keep its ban on bare-legged swimmers, the mayor of nearby Somers Point said they were welcome to his town. Reaction to this invitation was immediate. A newspaper reported:

"The response today turned the bay front into a scene of flashing limbs . . . and shapely forms. A fringe of trees lining the beach and the Ocean City-Somers Point Bridge were turned into 'bleachers' from which motorists enjoyed the scenery. Traffic along the shore road was tied up during the bathing hour, and there was a shortage of men at church services."

Requiring women to cover their bodies because of men's lust is an unjust imposition anyway, identical in concept, if not extent, to the Muslim requirement that women cover themselves from head to toe in public.

The issue is not trivial. The imposition on women is great, the inconvenience real, the stigma pernicious. The message to women and girls is that their breasts are obscene while those of men are not.

Exaggerated? Suppose many people found excess exposure of black skin offensive, so the law required only blacks to keep their chests covered. After all, to paraphrase the judge quoted earlier, it was nature, not the legislatures, that created the different skin colors. The illogic is self-evident when discussing race, but not when discussing sex.

Where toplessness is concerned, logic flies out the window. "Women have breasts," the courts say, "and men do not." Not true; the dictionary includes men. But even if the definition of "breast" were limited to protrusions, the law would still be entirely sex-based. Many women are virtually flat-chested; many men, especially fat ones, have quite pendulous protrusions. But the flat-chested topless woman is breaking the law, not the pendulous man. It is her sex alone and not her build that makes the law applicable.

Sometimes the law is justified as being a simple, nondiscriminatory requirement that all sex organs be covered. But breasts are not sex organs. They are not essential to the process of reproduction; a woman with no breasts can have a baby. Ironically, requiring that breasts be kept covered handicaps their real function. The only reason they are thought of as sex organs is that men find them sexually enticing.

It was not too long ago that the law also attempted to shield children from pregnant teachers. But the Supreme Court held pregnancy to be no grounds for a forced leave of absence. Another court has ruled that unmarried pregnant students cannot be excluded from public schools—not unless unmarried expectant fathers are also excluded. It is time for the same equality to be applied to bathing attire. Whether that is accomplished by allowing all people to go topless or by requiring men to wear tops, the end result will be the same: discarding one more premise of a male-defined society.

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"Keep Your Shirt On, Girlie!"

"Not one more Hot Summer Day — not unless it's OUR choice!"

BEING FORCED to keep a shirt on, even when it's hot, even when leaving it off would be exhilarating and comfortable and we'd like to get an overall tan — is to be a second-class citizen. It's unfair. Men freely permit themselves to be shirtless. Going shirtless is a political act.

Here's Some Background

Only fifty years ago, The Law said MEN couldn't expose their chests and nipples in public, including at the beach. Men were arrested in Boston, New York, California, and elsewhere for going shirtless.

But, men refused to accept this dictation of dress code. They took off their shirts at beach after beach, and day after day, until the authorities backed off. When men realized that it was insufferable oppression for the dress code to be dictated to them, they took off their shirts as a political awakening. This is happening with women's right to be shirtless now too.

Women's legs or "gams" were sex objects not fit to be seen just a century ago. Then, the Bloomer Girls — daring dresscode radicals in their day — pioneered the freedom from confining leg gear. Slacks, pants suits, swimwear, the bikini were the result. It is time for the feared, despised "boobs" to finally lose their titillating and male-controlled status.

Is the dress code "for our own good"? We know that taking a shirt off will not incite rape. We know also that keeping it on will not protect us.

We're unimpressed by arguments that breasts are sex objects and should be suppressed. Women's breasts are secondary sexual characteristics just like men's beards, chests and broad shoulders.

Commodity Function of Breasts Keeps Shirts On

What women's breasts have become for male fantasy — in our fanatically profit-oriented society — has been confused with commodities. The swelling curve, restrained and highlighted by the famous diaphonous blouses of perhaps a thousand romance novels but a billion ads and TV spots, is a sensuous promise for satisfaction that manufacturers cannot otherwise provide.

The soft-core merchandising of corporate culture aside, — men never hesitate to get out our 'sexual parts' when it's in their interests. All the laws controlling 'obscenity' exempt the display of women's bodies, when it is done as commerce in business venues such as topless bars and porn mags. So-called 'puritanism' has had its 'exceptions' through history. The question is whether the inherited body of patriarchal laws shall continue to strip women of the right to control our bodies, with the new purpose of controlling the view of those bodies so as to utilize it for consumer seduction.

When the sight of shirtless women, of all ages, sizes and shapes, becomes commonplace, the fetish of breasts as consumer sex object will go the way of legs as sex objects.

The female torso is beautiful, yes; and sexy. But inherently not more so than the male torso! The question is simply one of discrimination and patriarchal prerogatives for men to determine women's behavior and human rights.

To Naturally Accept the Breast

The breast is no secret in pre-industrial cultures. It is routinely available to infants for nursing, nor is it concealed from children an adults. The breast is the site of nourishing, the symbol of a nurturir fundamental, highly respected role for women in society. When industrial civilization suppressed the breast and called it shameful t see, our dignity was undermined. The control of our bodies was stripped away by the act of covering us up.

Wrapping women in shirts by compulsory dress code is unconstitutional; it denies equal protection before the law. There is no redeeming social need for such dress codes.

Take back breasts from the Pornographers and Go Go entertainmen joints. And from Madison Avenue. Reinstate our rights and dignity as nurturers and human beings with equal gender rights and legal standing.

Men won't do it for us; but many will join with us in our doing it.

Go ahead. Be brave. Go shirtless when YOU want. When it's appropriate. Just as men have done for fifty years!

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Further information from Cross Your Heart Support Network, POB 1729, Santa Cruz, CA 95061. At top is a Cross Your Heart march through downtown Santa Cruz ending at the police station for photographs, in support of a court test of shirtless rights on California state beaches.
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